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Atty. Docket No. BIG007 P301

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

December 7, 2009

Date

Handwritten signature of Melanie S. Jernberg  
Melanie S. Jernberg

RECEIVED

DEC 18 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

Art Unit : 3644  
Examiner : Joshua J. Michener  
Applicant : Roland Busse  
Appln. No. : 10/500,078  
Filing Date : November 26, 2004  
Confirmation No. : 5861  
For : DEVICE FOR FEEDING POULTRY ESPECIALLY  
FATTENED POULTRY, PREFERABLY BOILERS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY  
(37 C.F.R. §1.28(c)) ALONG WITH DEFICIENCY UNDER 37 C.F.R. §1.28(c) BECAUSE  
OF LOSS OF ENTITLEMENT OF SMALL ENTITY STATUS

1. Applicant hereby again notifies the United States Patent and Trademark Office that it is no longer entitled to status as a small entity, and that the claim of small entity status is hereby withdrawn.

2. Applicant originally filed this Notification on May 7, 2009. However, the fee deficiency was not charged to Applicant's deposit account, and Applicant therefore assumes that the Notification was not processed, even though it does appear in the Image File Wrapper on PAIR.

3. Applicant hereby submits the deficiency owed for the Request for Continued Examination and Amendment filed July 31, 2007; the deficiency owed for the Amendment

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Appln. No. : 10/500,078  
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filed September 23, 2008; the deficiency owed for the Notice of Appeal filed September 25, 2008; and for the deficiency owed for the Appeal Brief filed November 25, 2008, because of loss of entitlement of small entity status. The Patent and Trademark Office was not notified of the loss of entitlement of small entity status through error.

<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED</u>
1. RCE and Amendment filed 7/31/07	\$2155	\$ 2155
2. Amendment filed 9/23/08	\$735	\$735
3. Notice of Appeal filed 9/25/08	\$255	\$255
4. Appeal Brief filed 11/25/08	\$270	\$270

WARNING: "The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error. . ." 37 C.F.R. § 1.28(c)(2)(i).

NOTE: 37 C.F.R. § 1.28(b)(2): "The date when a deficiency payment is paid in full determines the amount of deficiency that is due pursuant to paragraph (c) of this section."

**TOTAL DEFICIENCY OWED \$3415**

NOTE: 37 C.F.R. § 1.28(d): "Payment of deficiency operates as notification of loss of status. Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph (c) of this section will be treated under § 1.27(g)(2) as a notification of loss of entitlement to small entity status."

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The amount of \$270 was paid by credit card when this document was originally filed on May 7, 2009, but the remaining deficiency of \$3145 was not charged to Applicant's deposit account. A check in the amount of \$3145 is submitted herewith. Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 16-2463.

Respectfully submitted,

December 7, 2009

Date

MPD/msj

  
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